

**ATTORNEY DOCKET NO. 01123.0004
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Applicant or Patentee: Donald H. Rubin, Edward L. Organ and Raymond N. Dubois

For: **"MAMMALIAN GENES INVOLVED IN VIRAL
INFECTION AND TUMOR SUPPRESSION"**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(d)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the
concern identified below:

NAME OF CONCERN: Avatar Biosci, Inc.
ADDRESS OF CONCERN: 1937 Edenbridge Way
Nashville, TN 37215

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **"MAMMALIAN GENES INVOLVED IN VIRAL INFECTION AND TUMOR SUPPRESSION"** by inventor(s) Donald H. Rubin, Edward L. Organ and Raymond N. Dubois described in the specification filed concurrently herewith.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

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*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: VANDERBILT UNIVERSITY

ADDRESS: Office of Technology Transfer
1207 17th Ave. S., Suite 210
Nashville, TN 37212[] INDIVIDUAL ☒ SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Donald H Rubin MD

TITLE IN ORGANIZATION:

President

ADDRESS OF PERSON SIGNING:

Avatar Biosci, Inc.
1937 Edenbridge Way
Nashville, TN 37215

SIGNATURE

Donald H RubinDATE 3.28.00

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APPLICANT OR PATENTEE: Donald H. Rubin, Edward L. Organ and Raymond N. Dubois
FOR: "MAMMALIAN GENES INVOLVED IN VIRAL
INFECTION AND TUMOR SUPPRESSION"

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: VANDERBILT UNIVERSITY
ADDRESS OF ORGANIZATION: Office of Technology Transfer
1207 17th Ave. S., Suite 210
Nashville, TN 37212

TYPE OF ORGANIZATION:

- ☒ University or other institution of higher education
(Name of state: Tennessee)
(Citation of statute: _____)
- ☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
- ☐ Non-profit scientific or educational under statute of state of the United States of America
(Name of state _____)
(Citation of statute _____)
- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if it were located in The United States of America
- ☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if it were located in The United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9 (e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled "MAMMALIAN GENES INVOLVED IN VIRAL INFECTION AND TUMOR SUPPRESSION" by inventor(s) Donald H. Rubin, Edward L. Organ and Raymond N. Dubois filed concurrently herewith.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR

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1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME Avatar Biosci, Inc.

ADDRESS 1937 Edenbridge Way
Nashville, TN 37215

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

JANIS ELSNER

TITLE IN ORGANIZATION:

ASSOC. DIRECTOR

ADDRESS OF PERSON SIGNING:

Vanderbilt University
Office of Technology Transfer
1207 17th Ave. S., Suite 210
Nashville, TN 37212

SIGNATURE: Janis Elsner

DATE: Mar 29, 2000

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**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

(X) Original () Supplemental () Substitute () PCT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "**MAMMALIAN GENES INVOLVED IN VIRAL INFECTION AND TUMOR SUPPRESSION**", which is described and claimed in the specification

(check one) [] which is attached hereto, or
 [X] in International Application No. PCT/US98/21276, filed October 8, 1998,
 and as amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known by me to be material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate relating to this subject matter having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATIONS: (ENTER BELOW IF APPLICABLE)			PRIORITY CLAIMED (MARK APPROPRIATE BOX BELOW)	
APP. NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	YES	NO
PCT/US98/21276	International	08/10/98	X	

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States

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provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/062,021	October 10, 1997

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known by me to be material to the patentability of the claims of this application as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS (MARK APPROPRIATE COLUMN BELOW)		
		PATENTED	PENDING	ABANDONED

I hereby appoint the following attorneys and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

William H. Needle	Reg. No. <u>26,209</u>	LaVonda R. DeWitt	Reg. No. <u>40,396</u>
Summer C. Rosenberg	Reg. No. <u>28,753</u>	Jacqueline M. Hunter	Reg. No. <u>44,792</u>
David G. Perryman	Reg. No. <u>33,428</u>	Matthew D. Josephic	Reg. No. <u>43,699</u>
Mitchell A. Katz	Reg. No. <u>33,919</u>	David S. Kerven	Reg. No. <u>43,712</u>
Gregory J. Kirsch	Reg. No. <u>35,572</u>	Lori L. Kerber	Reg. No. <u>41,113</u>
Gwendolyn D. Spratt	Reg. No. <u>36,016</u>	Janice A. Kimpel	Reg. No. <u>42,734</u>
Nagendra Setty	Reg. No. <u>38,300</u>	Tina W. McKeon	Reg. No. <u>43,791</u>
D. Andrew Floam	Reg. No. <u>34,597</u>	Mary L. Miller	Reg. No. <u>39,303</u>
William R. Johnson	Reg. No. <u>32,875</u>	Mark A. Murphy	Reg. No. <u>42,915</u>
Allan G. Altera	Reg. No. <u>40,274</u>	Lance D. Reich	Reg. No. <u>42,097</u>
Bryan W. Bockhop	Reg. No. <u>39,613</u>	Lisa A. Samuels	Reg. No. <u>43,080</u>
John L. Capone	Reg. No. <u>41,656</u>	Lawrence A. Villanneva	Reg. No. <u>43,968</u>
Shari Corin	Reg. No. <u>P-46,243</u>	Mitchell G. Weatherly	Reg. No. <u>40,864</u>
Kean J. DeCarlo	Reg. No. <u>39,954</u>	Tim T. Xia	Reg. No. <u>45,242</u>

with full power of substitution, association and revocation, to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith.

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Address all telephone calls to David G. Perryman, at telephone number. (404) 688-0770.

Address all correspondence to:

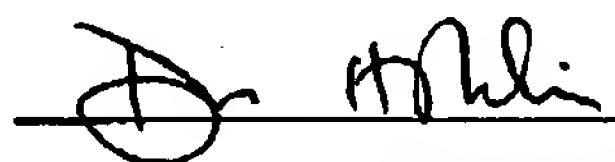
David G. Perryman, Esq.
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Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-00
Full name of first inventor:

RUBIN, Donald H.

Inventor's signature:



Date: 3-28-00

Residence:

1937 Edenbridge Way
Nashville, Tennessee 37215

TN

Post Office Address:

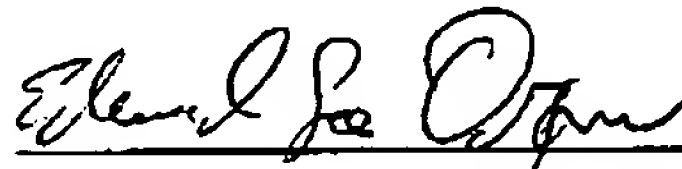
Citizenship:

United States of America

2-00
Full name of second inventor:

ORGAN, Edward L.

Inventor's signature:



Date: 3/28/00

Residence:

2505 Essex Place
Nashville, Tennessee 37202

TN

Post Office Address:

Citizenship:

United States of America

SITPO2100

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Full name of third inventor:

DUBOIS, Raymond N.

Inventor's signature:

R. N. Dubois

Date:

3-28-00

Residence:

281 St. Andrew Drive

Franklin, Tennessee 37064

TN

Post Office Address:

Citizenship:

United States of America